



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

FEB 27 2006

Honorable Linda McCulloch  
Superintendent of Public Instruction  
Montana Office of Public Instruction  
1227 11<sup>th</sup> Ave  
Helena, MT 59620-2501

Dear Superintendent McCulloch:

Thank you for your timely submission of Montana's State Performance Plan (SPP) for review under Part B of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part B of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part B.

OSEP is pleased to inform you that your State's SPP under Part B meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public means, including posting on the State educational agency's website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I)).

The targets for each of the 20 indicators were measurable and demonstrated the intent of the State to improve performance and compliance for children and youth with disabilities and their families. The State also included a variety of detailed activities with timelines and resources designed to improve performance and, where applicable, compliance, with each of the indicators. The activities appeared to be designed to impact performance and compliance and assist the State in meeting the established targets.

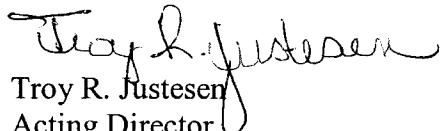
Under section 616(b)(2)(C)(ii)(II) of the Act, the State must annually report to OSEP on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A addressing issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission.

In addition to reporting to OSEP, the State must report annually to the public on the performance of each local educational agency (LEA) located in the State on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on LEA performance is a critical provision related to ensuring accountability and focusing on improved results for children with disabilities. OSEP will be providing technical assistance regarding the reporting on LEA performance at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the SPP Resources website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for children and youth with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Dr. Ken Kienas at 202-245-7621.

Sincerely,

  
Troy R. Justesen  
Acting Director  
Office of Special Education  
Programs

Enclosure  
Table A

cc: Mr. Robert Runkel  
State Director of Special Education

**Table A – Montana Part B**  
**Issues Identified in the State Performance Plan**

SPP Indicator	Issue	Required Action
<b>Indicator 1:</b>  Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.  (20 U.S.C. 1416 (a)(3)(A))	Other: Montana's Office of Public Instruction (OPI) did not provide the information required under this indicator. On page 10, OPI indicated that graduation data for general education students was not available for 2004-2005. Therefore, in order to make comparisons, 2003-2004 data were utilized. OPI indicated that it was developing an updated information management system that they predict will be operational during the 2008-2009 school year.	OPI must include, in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include both types of data will affect OSEP's determination of the State's status under section 616(d) of the IDEA.
<b>Indicator 2:</b>  Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.  (20 U.S.C. 1416 (a)(3)(A))	Other: OPI did not provide the information required under this indicator. On page 15, OPI indicated that dropout data for general education students were not available for 2004-2005. Therefore, in order to make comparisons, 2003-2004 data were utilized. OPI is developing an updated information management system that they predict will be operational during the 2008-2009 school year.	OPI must include, in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include both types of these data will affect OSEP's determination of the State's status under section 616(d) of the IDEA.
<b>Indicator 8:</b>  Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.  (20 U.S.C. 1416(a)(3)(A))	Other: OSEP could not determine if OPI planned to use sampling in collecting data for this Indicator. If so, it is important that OPI have a technically sound sampling plan to ensure that data used for entry, baseline, or to report on progress are valid and reliable. The submission of invalid data is inconsistent with Federal statute and regulations, including section 616(b)(2)(B) of the IDEA, and will affect OSEP's determination of OPI's status under section 616(d) of the IDEA.	If OPI intends to collect information through sampling, the SPP must include sampling methodology to ensure the collection of valid and reliable data on which to base targets and improvement activities. OPI must submit the revised sampling methodology that describes how data were collected with its APR, due February 1, 2007. If OPI decides not to sample, but rather gather census data, OPI must inform OSEP and revise its SPP accordingly.

SPP Indicator	Issue	Required Action
<b>Indicator 12:</b>  Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.  (20 U.S.C. 1416(a)(3)(B))	Other: OPI did not provide the information required under this indicator. OPI reported utilizing 2003-2004 data. In addition, OPI indicated that it collects data through collaboration with Part C and through its compliance monitoring activities but that it does not have a system in place to collect the specific data as required by this indicator. OPI indicated that a system to address all of the requirements of this indicator will be implemented in 2008-2009.	OPI must include, in the FFY 2005 APR, due February 1, 2007, both baseline data from FFY 2004 (July 1, 2004 through June 30, 2005) and progress data from FFY 2005 (July 1, 2005 through June 30, 2006). Failure to include both types of these data will affect OSEP's determination of the State's status under section 616(d) of the IDEA.
<b>Indicator 15:</b>  General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.  (20 U.S.C. 1416 (a)(3)(B))	Noncompliance: The State reported a 94% level of compliance for correction of noncompliance within one year of identification for nonpriority areas with this indicator in the SPP. While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.	OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. OPI should report data in this area in the General Supervision indicator of the APR due February 1, 2007, under correction of noncompliance for nonpriority areas.
<b>Indicator 20:</b>  State-reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.  (20 U.S.C. 1416(a)(3)(B))	Other: While the SPP contains a discussion of OPI's efforts to ensure accuracy of data, OPI's targets do not address accuracy of data.	In the Annual Performance Report due February 1, 2007, OPI must include revised targets that address accuracy of data.